

EXHIBIT 9

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ARAM A. SINNREICH, PH.D.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
ARISTA RECORDS LLC; ATLANTIC
RECORDING CORPORATION; ARISTA MUSIC, Civil Action No.
fka BMG MUSIC; CAPITOL RECORDS, INC.; 06 CV 5936(KMW)(DF)
ELEKTRA ENTERTAINMENT GROUP INC.;
INTERSCOPE RECORDS; LAFACE RECORDS LLC;
MOTOWN RECORD COMPANY, L.P.; PRIORITY
RECORDS LLC; SONY MUSIC ENTERTAINMENT,
fka SONY BMG MUSIC ENTERTAINMENT; UMG
RECORDINGS, INC.; VIRGIN RECORDS
AMERICA, INC.; and WARNER BROS.
RECORDS INC.,

Plaintiffs,

vs.

LIME GROUP LLC; LIME WIRE LLC; MARK
GORTON; GREG BILDSON; and M.J.G.
LIME WIRE FAMILY LIMITED PARTNERSHIP,

Defendants.

-----x

CONTAINS CONFIDENTIAL PORTIONS

February 11, 2011

9 a.m.

Videotaped deposition of ARAM A.
SINNREICH, Ph.D., pursuant to subpoena, at the
offices of Cowan Liebowitz & Latman, 1133 Avenue
of the Americas, New York, New York, before
Nancy Mahoney, a Certified Court Reporter,
Registered Professional Reporter, Certified
LiveNote Reporter, and Notary Public within and
for the States of New York and New Jersey.

CONTAINS CONFIDENTIAL PORTIONS
ARAM A. SINNREICH, Ph.D. - 2/11/2011

1 ARAM A. SINNREICH, PH.D.

2 09:31:18 Q. Okay. As you sit here today, do
3 09:31:20 you consider yourself qualified to opine about
4 09:31:22 whether or not a statistical methodology is
5 09:31:26 valid and reliable?

6 09:31:28 A. Well, it depends on the -- how
7 09:31:28 esoteric the methodology is, but for standard
8 09:31:32 methodologies, absolutely.

9 09:31:34 Q. And what are -- what do you
10 09:31:34 consider standard statistical methodologies?

11 09:31:38 A. Well, among the ones that we talked
12 09:31:40 about, so there -- correlation regression
13 09:31:44 cluster analysis, the -- the use of
14 09:31:50 stochastically determined distributions and
15 09:31:54 understanding the behaviors of populations, the
16 09:31:56 evaluation of survey instruments and other
17 09:31:58 statistical instruments in producing reliable
18 09:32:02 data, the use of statistic software in order to
19 09:32:12 perform mathematical operations on the data set.

20 09:32:14 I'd -- I'd say that's a short list.

21 09:32:18 Q. What would you consider outside of
22 09:32:20 the area of your expertise on statistics and the
23 09:32:24 reliability of statistical methodologies?

24 09:32:26 A. Well, for example, there's a
25 09:32:28 technique called multi-varied analysis, that's

CONTAINS CONFIDENTIAL PORTIONS
ARAM A. SINNREICH, Ph.D. - 2/11/2011

1 ARAM A. SINNREICH, PH.D.
2 11:58:38 description of the total market.
3 11:58:44 Q. You also look at video games, and
4 11:58:48 you say video game console and game sales nearly
5 11:58:52 trimmed between 2000 and 2008, growing from \$8
6 11:58:56 billion to \$24.1 billion --
7 11:58:58 MR. OLLER: 21.4.
8 11:59:00 Q. -- 21.4. I'm sorry.
9 11:59:02 And you cite an NPD group study for
10 11:59:08 that?
11 11:59:08 A. Correct.
12 11:59:08 Q. Is there any other basis for these
13 11:59:10 numbers that you reference in your report?
14 11:59:16 A. NP -- no, but NPD is considered to
15 11:59:20 be the premier provider of market figures
16 11:59:22 related to that industry.
17 11:59:24 And, in fact, I believe they're the
18 11:59:24 ones that are used by the trade associations'
19 11:59:28 publications.
20 11:59:30 Q. So you consider them to be a
21 11:59:30 reliable --
22 A. Very.
23 11:59:32 Q. -- source of data?
24 11:59:32 A. Yes.
25 11:59:34 Q. Have you relied on them in your own

CONTAINS CONFIDENTIAL PORTIONS
ARAM A. SINNREICH, Ph.D. - 2/11/2011

1 ARAM A. SINNREICH, PH.D.
2 11:59:38 research and analysis?
3 11:59:38 A. Yes.
4 11:59:46 Q. Okay. So here you mention an
5 11:59:48 eight-year span of time between 2000 and 2008.
6 11:59:52 Do you know what was happening with
7 11:59:54 the video game market between 2000 to 2008?
8 11:59:56 A. Yes.
9 11:59:56 Q. Okay. Can you describe generally
10 11:59:58 what course it took?
11 12:00:00 A. There was a new generation of
12 12:00:04 consoles released during that time period in the
13 12:00:08 middle of the decade that spurred a renewed
14 12:00:12 consumer interest in purchasing software and
15 12:00:18 peripherals.
16 12:00:18 There was also a growth in online
17 12:00:22 gaming, both what's known as hardcore gaming via
18 12:00:28 games like World of Warcraft which, at its
19 12:00:32 apogee, had something like 11 or 12 million
20 12:00:34 simultaneous users, and -- through casual
21 12:00:40 gaming, which is not included, I believe, in
22 12:00:40 these figures and accounts for another several
23 12:00:44 billion dollars in consumer expenditures and
24 12:00:46 revenues.
25 12:00:48 Q. What do you mean by casual gaming?

CONTAINS CONFIDENTIAL PORTIONS
ARAM A. SINNREICH, Ph.D. - 2/11/2011

1 ARAM A. SINNREICH, PH.D.

2 17:15:49 THE VIDEOGRAPHER: This concludes

3 17:15:51 today's testimony of Aram Sinnreich. The time

4 17:15:55 on the record is 5:15 p.m. This also concludes

5 17:15:58 tape number six.

6 17:16:00

7 17:16:01 (Time noted: 5:15 p.m.)

8 17:16:01

9

10 -----

11 ARAM A. SINNREICH, Ph.D.

12

13

14

15 Subscribed and sworn to before me

16 this ____ day of _____, 2011.

17

18 -----
Notary Public

19

20

21

22

23

24

25

CONTAINS CONFIDENTIAL PORTIONS
ARAM A. SINNREICH, Ph.D. - 2/11/2011

1 C E R T I F I C A T E
2 STATE OF NEW YORK)
3 : ss.
4 COUNTY OF NEW YORK)
5
6 I, NANCY MAHONEY, a Certified Court
7 Reporter, Registered Professional Reporter,
8 Certified LiveNote Reporter, and Notary Public
9 within and for the States of New York and New
10 Jersey, do hereby certify:
11 That ARAM A. SINNREICH, Ph.D., the
12 witness whose deposition is hereinbefore set
13 forth, was duly sworn by me and that such
14 deposition is a true record of the testimony
15 given by the witness.
16 I further certify that I am not
17 related to any of the parties to this action by
18 blood or marriage, and that I am in no way
19 interested in the outcome of this matter.
20 IN WITNESS WHEREOF, I have hereunto
21 set my hand this 15th day of February 2011.
22
23
24 -----
25 NANCY MAHONEY, CCR/RPR